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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 439/2017 & CM No.15019/2017 (for stay)

UNION OF INDIA

..... Petitioner

Through: Mr. Manish Mohan with Ms. Shivangi Sinha & Ms. Manisha Saroha, Mr. Sanjay Kumar Pathak & Mr. Kushal Raj Tater, Advs.

Versus

GURU NANAK VIDHYA BHANDAR TRUST & ORS.. Respondents

Through: Mr. A.K. Vali, Mr. Ramesh N. Keshwani & Mr. Tuhin, Advs. for R-1. Mr. Anil Grover, Ms. Kanika, Ms. Tushar, Mr. Rishi & Ms. Mishal Vij, Advs. for NDMC.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **02.11.2017**

1. This order is in continuation of the earlier order dated 26th October, 2017.
2. The counsel for the respondent no.1 has at the outset informed that in the Special Leave Petition (Diary No.21578/2017) preferred by the New Delhi Municipal Council (NDMC) against the order dated 4th January, 2017 of the Division Bench of this Court in WP(C) No.8273/2014, the Supreme Court has vide order dated 15th September, 2017 stayed the operation of the order of the Division Bench *inter alia* holding that the compensation has to be paid to the respondent no.1 under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. The counsel for the respondent no.1 further states that he has since gone through *Manu Narang Vs. The Lt. Governor, Government of National Capital Territory of Delhi* 226 (2016) DLT 1 and *Amit Gupta Vs. Govt. of NCT of Delhi* 229 (2016) DLT 385 referred to in the earlier order dated 26th October, 2017 and the said judgments do not hold what has been observed / held in the order dated 26th October, 2017. It is contended that the said two judgments also hold circle rates to be prescribing the minimum value of the land. Reference in this regard is made to Para 4 (I) & (J) of *Amit Gupta* supra.

4. I am afraid, it is not so. What has been observed in Para 4 (I) & (J) is in the context of the powers of the Registrar and while observing that the determination of the plea, that the valuation at less than circle rates is genuine and correct, is to be done by the Collector of Stamps and not by Registrar of Documents.

5. Even otherwise, if the respondent no.1 is aggrieved from what has already been held in the order dated 26th October, 2017, the respondent no.1 is to take remedy thereagainst and the hearing today limited to the aspect contained in Paras no.15 and 16 of the order dated 26th October, 2017 and cannot be a rehearing of the hearing which took place on 26th October, 2017 and adjudication thereon.

6. I may however record that the counsel for the respondent no.1 has handed over the copy of the order dated 11th September, 2009 in WP(C) No.729/2008 preferred by the respondent no.1 and to which reference is made in para 5(ix) of the order dated 26th October, 2017 and the said order is as under:

“Learned counsel for the Appellant seeks leave to withdraw the application. He states that his main grievance is that a sum drastically less than the Circle rate has been granted to the petitioner. He further states that the petitioner will avail his right of filing a writ petition or any other remedy available to it. The withdrawal of this application shall not in any way affect the petitioner’s right to avail whatever remedy he has.

The CM stand disposed of.”

7. As far as the aspect on which hearing was remaining for today, i.e. whether the compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has to be determined by the reference Court of the ADJ or by the Land Acquisition Collector (LAC), though there is stay of the said determination vide the order aforesaid of the Supreme Court but it is not deemed appropriate to keep this petition pending for the said purpose.

8. In this respect, the counsel for the petitioner and the counsel for the respondent no.1 as well as the counsel for the respondent no.2 are *ad idem* that the said determination is to be done by the LAC. In this view of the matter, I am not choosing to interpret the provisions in this regard.

9. The counsel for the respondent no.1 however states that he be given liberty to address in this respect, if need arises, before the Supreme Court and if need arises, before any other Court / authority in accordance with law.

10. It will be so open to the counsels.

The petition is disposed of.

No costs.

RAJIV SAHAI ENDLAW, J

NOVEMBER 02, 2017

‘gsr’..